

REMARKS

The Office Action of May 11, 2005, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, claims 1, 3, and 5-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Little* (U.S. Patent No. 2,302,617); and claims 4, 10 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Little*.

Applicant gratefully acknowledges the Examiner's allowance of claim 12. As set forth above, new claims 13-21 have been added depending therefrom. Applicant respectfully submits that claims 13-21 are in condition for allowance based at least upon their dependence on an allowed independent claim.

The present invention relates to a conduit assembly for attachment to a mechanical circulatory device. The conduit assembly comprises a conduit for conducting blood between a patient and the mechanical circulatory device, the conduit including a first curved conduit and a second curved conduit. A first coupling is used for attaching a first end of the first curved conduit to the mechanical circulatory device. The first coupling is movable between a rotatable position wherein the first curved conduit is rotatable relative to the mechanical circulatory device, and a fixed position wherein the first curved conduit is fixedly positioned relative to the mechanical circulatory device. A second coupling is used for attaching a second end of the first curved conduit to a first end of the second curved conduit, the second coupling being movable between a rotatable position wherein the second curved conduit is rotatable relative to the first curved conduit, and a fixed position

wherein the second curved conduit is fixedly positioned relative to the first curved conduit. As amended above, the first and second curved conduits define a substantially continuous flow path.

Little, the primary reference upon which the Examiner relies, discloses a plumbing fitting having a trap section 3 connected to a waste section 2. The waste section 2 is further divided into branches 5 and 6 by a wall 11. In rejecting the claims of the present application, the Examiner contends that the branch conduit 6 and the trap chamber 3 define the claimed first and second conduits. However, *Little* specifically describes that the wall 11 separates the passages from the intakes of the branches (see column 1, line 53 - column 2, line 2). Hence the flow from the trap section to the waste section is divided, or vice versa, the flow from the waste section to the trap section is merged -- and thus does not define a "substantially continuous flow path" as recited in claim 1.

As recited in the claims, continuous is being used as defined in *The American Heritage College Dictionary* to mean a flow path that is "without a break or irregularity." It is important in the application of the present invention that the flow path for the blood be substantially continuous so as to maintain the desired laminar flow and avoid thrombosis. On the other hand, in the plumbing industry, the sudden change in diameter from the waste section to the trap section, and the resulting flow turbulence, would not present similar issues.

In addition, newly added claim 22 recites that conduit defines a predetermined diameter, thereby maintaining the substantially continuous flow path between the first curved conduit and the second curved conduit. In other words, since the conduit has a predetermined diameter, it is inherent that the first and second curved conduits

must have substantially the same diameter so as to define the predetermined diameter of the conduit. *Little* does not have a predetermined conduit diameter, but rather, a first diameter for the waste section and a second diameter for the trap section.

Accordingly, Applicant respectfully submits that claim 1 is not anticipated by the waste conduit and trap conduit of the cited reference to *Little* since such configuration of conduit sections does not define a substantially continuous flow path from one conduit section to the other.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully submits that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.


Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

BUCHANAN INGERSOLL PC

(INCLUDING ATTORNEYS FROM BURNS, DOANE, SWECKER & MATHIS)

Date: August 5, 2005

By: 
Wendi Leigh Weinstein
Registration No. 34,456

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620